

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Testimony indicated that the subject property, known as 27 Heather Hill Road, is a townhome in the community of Broadfield II. Mr. Hoffman testified he and his wife purchased the subject property in April 1987. In August 1987, they contracted with the Abbey Fence Company to construct a 6-foot high fence. Mr. Hoffman testified that Abbey Fence Company indicated they would be responsible for obtaining any required permits. Mr. Hoffman further testified that he and his wife decided upon a 6-foot high fence for the protection it would provide for their young children as well as the privacy it would afford them due to the fact that they intend to construct an in-ground swimming pool some day. Mr. Hoffman testified he first became aware that his fence was in violation of the zoning regulations when he received a notice from the Zoning Office in January 1988. He indicated that when he checked with Abbey Fence Company, he was told that they did not believe a permit would be necessary and therefore, had not

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

1) The Petitioner may apply for his fence permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

*Ann M. Nastarowicz*  
ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
of Baltimore County

ORDER RECEIVED FOR FILING

ORDER RECEIVED FOR FILMS

ORDER RECEIVED FOR FILING

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MAP SUB E  
2A  
E. D. 1<sup>ST</sup>  
DATE 8/12/87  
200 B.F.  
1000 B.F.  
DP \_\_\_\_\_

Being known and designated as Lot No. 27 as shown on the plat entitled "amended plat of Section 55, Broadfield at Wilton Farms", which plat is recorded among the land records of Baltimore County in Plat Book, E.H.X., Jr. No. 53, Folio 68. The improvements being known as 27 Heather Hill Road. Located in the first Election District, Baltimore County.

File

ORDER RECEIVED FOR FILING  
5/11/89

ORDERED BY THE Zoning Commissioner of Baltimore County, this 24th day  
of MARCH, 1988, that the subject matter of this petition be advertised, as  
required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-  
out Baltimore County, at the place located, and that the public hearing be had before the Zoning  
Commissioner of Baltimore County in Room 105, County Office Building in Towson, Baltimore  
County, on the 29th day of APRIL, 1988, at 9 o'clock  
& A.M.  
ESTIMATED LENGTH OF HEARING (1/2HR.) +1HR. J. Robert Hines  
AVAILABLE FOR HEARING  
MON./TUES./WED. NEXT TWO MONTHS  
ALL OTHER \_\_\_\_\_ Zoning Commissioner of Baltimore County.  
REVIEWED BY: [Signature] DATE 3-4-88 (over)

**NOTICE OF THE ARDING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, hereby gives notice of a public hearing on the property identified below, to be held at the County Office Building, 1000 North Chesapeake Avenue in Towson, Maryland, on Friday, April 29, 1988, at 9:00 a.m.

**Petition for Zoning Variance**  
Case number: 88-05-A  
11000 North Road, Ste. 200  
Kearney Drive (27 Heather Hill  
1st Election District  
The Councilmanic District  
Petitioner: Joseph P. Huffmann, et ux  
Hearing Date: Friday, April 29, 1988  
at 9:00 a.m.

There is a cause or a height of a free-standing structure less than 12 feet from a property line in violation of the provisions of the Zoning Ordinance.

In the event that this Petition is granted, a zoning permit may be issued with the thirty (30) day appeal period. The Zoning Commissioner will not issue a zoning permit for a stay of the issuance of and payment of the zoning permit for any good cause shown. Such request must be in writing and such request must be received by the Zoning Commissioner before the hearing.

**J. ROBERT HEARNE**  
Zoning Commissioner of  
Baltimore County

4095 Apr. 14

Susan Sander O'Brien  
Publisher

33.75



BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this  
3rd day of March, 1988.

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner

Petitioner: Joseph P. Hoffman, et ux  
Petitioner's Attorney: \_\_\_\_\_  
Received by: James E. Dyer  
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCIAL & REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 50311

DATE: 3-11-88 ACCOUNT: 8-01-115-1000

AMOUNT: \$ 3.50

RECEIVED FROM: Joseph P. Hoffman, et ux

FOR: Zoning Fee

8 820\*\*\*\*\*352018 00401

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCIAL & REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 52418

DATE: 4/10/88 ACCOUNT: 01-115-000

AMOUNT: \$ 70.58

RECEIVED FROM: Joseph P. Hoffman, et ux

FOR: Petition Fee

8 820\*\*\*\*\*705018 00401

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner

Date: 4-15-88

Mr. & Mrs. Joseph P. Hoffman  
27 Heather Hill Road  
Baltimore, Maryland 21228

Re: Petition for Zoning Variance  
CASE MAPS: 88-476-A  
SS Heather Hill Road, SEC Keen Valley Drive  
(27 Heather Hill Road)  
1st Election District - 1st Councilman District  
Petitioner(s): Joseph P. Hoffman, et ux  
HEARING SCHEDULED: FRIDAY, APRIL 29, 1988 at 9:00 a.m.

Dennis F. Rasmussen  
County Executive

Dear Mr. & Mrs. Hoffman:

Please be advised that \$70.58 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not returned.

Very truly yours,

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

JRH:gs  
cc: file

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner

March 25, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance  
CASE MAPS: 88-476-A  
SS Heather Hill Road, SEC Keen Valley Drive  
(27 Heather Hill Road)  
1st Election District - 1st Councilman District  
Petitioner(s): Joseph P. Hoffman, et ux  
HEARING SCHEDULED: FRIDAY, APRIL 29, 1988 at 9:00 a.m.

Variance to allow a height of 8 feet for a fence located 2 feet from the rear property line in lieu of the permitted 3.5 feet height.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

cc: Mr. & Mrs. Hoffman  
File

*Sharon Higley*

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 22, 1988

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

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MEMBERS

Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

Mr. Joseph P. Hoffman, et ux  
27 Heather Hill Road  
Baltimore, Maryland 21228

RE: Item No. 323 - Case No. 88-476-A  
Petitioner: Joseph P. Hoffman, et ux  
Petition for Zoning Variance

Dear Mr. Hoffman:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:dt

Enclosures

Baltimore County  
Fire Department  
Towson, Maryland 21204-2586  
494-4500

Paul H. Reincke  
Chief

March 11, 1988

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

Dennis F. Rasmussen  
County Executive

Re: Property Owner: Joseph P. Hoffman, et ux  
Location: SS Heather Hill Rd., SE/C Keen Valley Dr.

Item No.: 323 Zoning Agenda: Meeting of 3/15/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals of \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- ( ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- (X) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John E. O'Neill*  
Noted and Approved: \_\_\_\_\_  
Special Inspection Division Fire Prevention Bureau

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines  
TO: Zoning Commissioner

Date: April 13, 1988

FROM: P. David Fields  
Director of Planning and Zoning  
Zoning Petition Nos. 88-465-SpHA,  
88-466-SpH, 88-468-SpHA, 88-470-A,  
SUBJECT: 88-472-A, 88-473-A, 88-475-A, 88-476-A

There are no comprehensive planning factors requiring comment on this petition.

*P. David Fields*  
P. David Fields  
Director

PDF:JCH:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel  
File

RECEIVED  
APR 15 1988  
ZONING OFFICE

cc: Joseph P. Hoffman, et ux

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: James Dyer  
Zoning Supervisor

Date: 3/3/88

FROM: James Thompson  
Zoning Enforcement Coordinator

SUBJECT: Item No. 323 (if known)  
Petitioner: *Mr. Hoffman* (if known)

VIOLATION CASE # 88-186

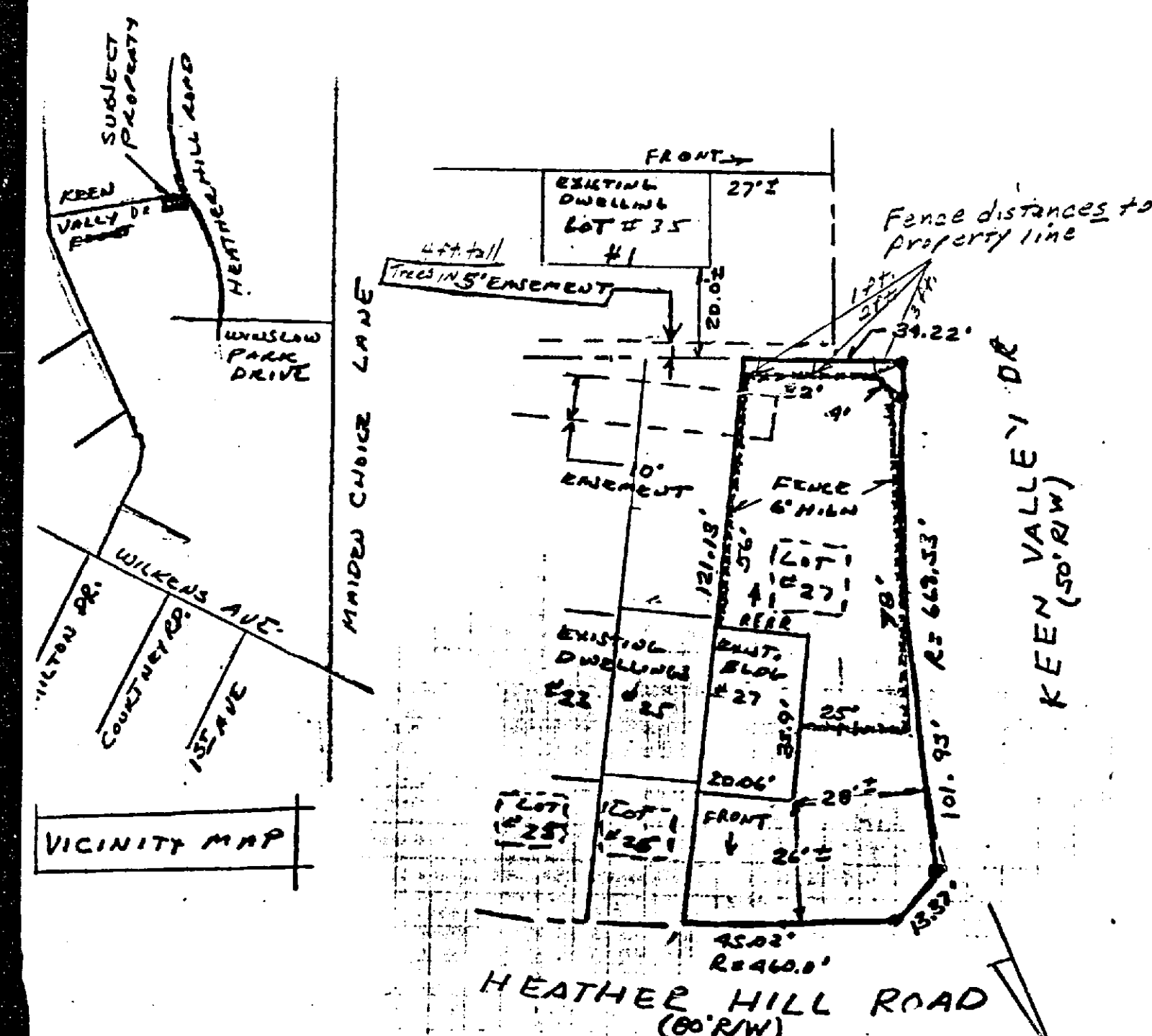
LOCATION OF VIOLATION 27 Heather Hill Court

DEFENDANT *Mr. Joseph and Patricia Hoffman* 27 Heather Hill Rd

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME: *Sharon Higley* ADDRESS: *Keen Valley Dr., Baltimore, MD 21228*

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.



PLAT FOR ZONING VARIANCE  
OWNER - JOSEPH & PATRICIA HOFFMAN LOT SIZE: APPROX 5200 SQ. FT.  
SUBJECT - ZONED DR-10.5  
SUBDIVISION BOUNDARY AT WILSON FARMS  
LOT 27, SEC 3A, BOON M-53, FOLIO 68  
Public Utilities in Heather Hill Rd.  
323